

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 528 - HB 551

March 14, 2023

SUMMARY OF BILL AS AMENDED (005825): Clarifies that payments made by a person interested in the adoption of a child to the child's mother and child may be used for in person or virtual counseling. Authorizes the Department of Children's Services (DCS) to file written motions for the transfer of custody of a child. Authorizes the court to waive the three-day revocation period if the birth parent is represented by an attorney when surrendering a child. Permits the termination of parental rights to be based on the parent having been charged or convicted of a rape from which the child was conceived.

Requires DCS to file a petition to terminate parental rights within 90 days of a severe child abuse finding. Authorizes DCS to file a petition to terminate parental rights if a parent has not made reasonable progress toward obtaining custody during a six-month period where the child has been in foster care. Authorizes a petitioner or respondent to request an expedited case for termination of parental or guardianship rights if a case has not been completed within 90 days from when the petition was served. Requires a biological father to waive their parental rights prior to an adoption if that father has paid financial support to the child or child's mother, or if he has made a court filing or appearance consistent with the claim of paternity, or if he has openly lived with the child and held himself out as the father of the child.

Decreases, from one year to six months, the length of time a court has to overturn an adoption. Requires DCS to prioritize efforts to locate kinship foster care placement for a child at least 30 days after the child's removal from their home. Requires DCS to create and implement eligibility standards for temporary kinship placements. Makes various changes to who may attend foster parent hearings. Requires DCS to accept home studies performed by licensed child-placing agencies or licensed clinical social workers within the previous two years as a valid home study.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Altering certain policies as it relates to court proceedings, as put forth in the proposed legislation, will not create a significant fiscal impact to DCS.
- Altering who is required to give consent before court in order to authorize an adoption proceeding can be accomplished without any fiscal impact to the courts.

SB 528 - HB 551

- Pursuant to Tenn. Code Ann. § 37-2-414(b)(2), DCS is required to attempt to place a child with a relative for kinship foster care. The additional requirement that DCS continue to locate appropriate kinship foster care placement for at least 30 days can be accomplished within existing resources and personnel.
- It is assumed that any changes to foster parent or custody hearings can be accomplished within court resources, and will therefore not create an increase in expenditures.
- Requiring DCS to accept home studies performed by licensed child-placing agencies or licensed clinical social workers will not create a significant decrease in expenditures associated with carrying out home studies.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd